

Last revised: August 1, 2017

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEW JERSEY**

In Re:  
Darlene D. Duque-Garcia

Case No.: 18-12088  
Judge: \_\_\_\_\_

Debtor(s)

**Chapter 13 Plan and Motions**

Original       Modified/Notice Required      Date: 5/14/18  
 Motions Included       Modified/No Notice Required

THE DEBTOR HAS FILED FOR RELIEF UNDER  
CHAPTER 13 OF THE BANKRUPTCY CODE

**YOUR RIGHTS MAY BE AFFECTED**

You should have received from the court a separate *Notice of the Hearing on Confirmation of Plan*, which contains the date of the confirmation hearing on the Plan proposed by the Debtor. This document is the actual Plan proposed by the Debtor to adjust debts. You should read these papers carefully and discuss them with your attorney. Anyone who wishes to oppose any provision of this Plan or any motion included in it must file a written objection within the time frame stated in the *Notice*. Your rights may be affected by this plan. Your claim may be reduced, modified, or eliminated. This Plan may be confirmed and become binding, and included motions may be granted without further notice or hearing, unless written objection is filed before the deadline stated in the *Notice*. The Court may confirm this plan, if there are no timely filed objections, without further notice. See Bankruptcy Rule 3015. If this plan includes motions to avoid or modify a lien, the lien avoidance or modification may take place solely within the chapter 13 confirmation process. The plan confirmation order alone will avoid or modify the lien. The debtor need not file a separate motion or adversary proceeding to avoid or modify a lien based on value of the collateral or to reduce the interest rate. An affected lien creditor who wishes to contest said treatment must file a timely objection and appear at the confirmation hearing to prosecute same.

THIS PLAN:

DOES  DOES NOT CONTAIN NON-STANDARD PROVISIONS. NON-STANDARD PROVISIONS MUST ALSO BE SET FORTH IN PART 10.

DOES  DOES NOT LIMIT THE AMOUNT OF A SECURED CLAIM BASED SOLELY ON VALUE OF COLLATERAL, WHICH MAY RESULT IN A PARTIAL PAYMENT OR NO PAYMENT AT ALL TO THE SECURED CREDITOR. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

DOES  DOES NOT AVOID A JUDICIAL LIEN OR NONPOSSESSORY, NONPURCHASE-MONEY SECURITY INTEREST. SEE MOTIONS SET FORTH IN PART 7, IF ANY.

Initial Debtor(s)' Attorney: SFR      Initial Debtor: DDD      Initial Co-Debtor: \_\_\_\_\_

**Part 1: Payment and Length of Plan**

a. The debtor shall pay \$ 500 per month to the Chapter 13 Trustee, starting on  
March 2018 for approximately 60 months.

b. The debtor shall make plan payments to the Trustee from the following sources:

Future earnings

Other sources of funding (describe source, amount and date when funds are available):

c. Use of real property to satisfy plan obligations:

Sale of real property

Description:

Proposed date for completion: \_\_\_\_\_

Refinance of real property:

Description:

Proposed date for completion: \_\_\_\_\_

Loan modification with respect to mortgage encumbering property:

Description:

Proposed date for completion: \_\_\_\_\_

d.  The regular monthly mortgage payment will continue pending the sale, refinance or loan modification.

e.  Other information that may be important relating to the payment and length of plan:

**Part 2: Adequate Protection  NONE**

a. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid to the Chapter 13 Trustee and disbursed pre-confirmation to \_\_\_\_\_ (creditor).

b. Adequate protection payments will be made in the amount of \$ \_\_\_\_\_ to be paid directly by the debtor(s) outside the Plan, pre-confirmation to: \_\_\_\_\_ (creditor).

**Part 3: Priority Claims (Including Administrative Expenses)**

a. All allowed priority claims will be paid in full unless the creditor agrees otherwise:

Creditor	Type of Priority	Amount to be Paid
CHAPTER 13 STANDING TRUSTEE	ADMINISTRATIVE	AS ALLOWED BY STATUTE
ATTORNEY FEE BALANCE	ADMINISTRATIVE	BALANCE DUE: \$ 2810 plus all other court approved fees and costs
DOMESTIC SUPPORT OBLIGATION		

b. Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount:

Check one:

None

The allowed priority claims listed below are based on a domestic support obligation that has been assigned to or is owed to a governmental unit and will be paid less than the full amount of the claim pursuant to 11 U.S.C.1322(a)(4):

Creditor	Type of Priority	Claim Amount	Amount to be Paid
	Domestic Support Obligations assigned or owed to a governmental unit and paid less than full amount.		

**Part 4: Secured Claims**

**a. Curing Default and Maintaining Payments on Principal Residence:  NONE**

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor shall pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)
Mr. Cooper	Residence	13,000	N/A	13,000	March 2018

**b. Curing and Maintaining Payments on Non-Principal Residence & other loans or rent arrears:  NONE**

The Debtor will pay to the Trustee (as part of the Plan) allowed claims for arrearages on monthly obligations and the debtor will pay directly to the creditor (outside the Plan) monthly obligations due after the bankruptcy filing as follows:

Creditor	Collateral or Type of Debt	Arrearage	Interest Rate on Arrearage	Amount to be Paid to Creditor (In Plan)	Regular Monthly Payment (Outside Plan)

**c. Secured claims excluded from 11 U.S.C. 506:  NONE**

The following claims were either incurred within 910 days before the petition date and are secured by a purchase money security interest in a motor vehicle acquired for the personal use of the debtor(s), or incurred within one year of the petition date and secured by a purchase money security interest in any other thing of value:

Name of Creditor	Collateral	Interest Rate	Amount of Claim	Total to be Paid through the Plan Including Interest Calculation

**d. Requests for valuation of security, Cram-down, Strip Off & Interest Rate Adjustments  NONE**

1.) The debtor values collateral as indicated below. If the claim may be modified under Section 1322(b)(2), the secured creditor shall be paid the amount listed as the "Value of the Creditor Interest in Collateral," plus interest as stated. The portion of any allowed claim that exceeds that value shall be treated as an unsecured claim. If a secured claim is identified as having "NO VALUE" it shall be treated as an unsecured claim.

**NOTE: A modification under this Section ALSO REQUIRES  
the appropriate motion to be filed under Section 7 of the Plan.**

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor Interest in Collateral	Annual Interest Rate	Total Amount to be Paid
Santander	2011 Hyundai Sonata	10,000	9,225	N/A	9,225	5 1/4%	10,500

2.) Where the Debtor retains collateral and completes the Plan, payment of the full amount of the allowed secured claim shall discharge the corresponding lien.

**e. Surrender  NONE**

Upon confirmation, the stay is terminated as to surrendered collateral only under 11 U.S.C. 362(a) and that the stay under 11 U.S.C 1301 be terminated in all respects. The Debtor surrenders the following collateral:

Creditor	Collateral to be Surrendered	Value of Surrendered Collateral	Remaining Unsecured Debt
Credit Acceptance	2009 Mercedes Benz	Unknown	Unknown

**f. Secured Claims Unaffected by the Plan  NONE**

The following secured claims are unaffected by the Plan:

**g. Secured Claims to be Paid in Full Through the Plan:  NONE**

Creditor	Collateral	Total Amount to be Paid Through the Plan

**Part 5: Unsecured Claims  NONE**

**a. Not separately classified** allowed non-priority unsecured claims shall be paid:

Not less than \$ \_\_\_\_\_ to be distributed *pro rata*

Not less than \_\_\_\_\_ 0 percent

plus any non exempt proceeds

*Pro Rata* distribution from any remaining funds

of Zaralto litigation

**b. Separately classified unsecured** claims shall be treated as follows:

Creditor	Basis for Separate Classification	Treatment	Amount to be Paid

**Part 6: Executory Contracts and Unexpired Leases  NONE**

(NOTE: See time limitations set forth in 11 U.S.C. 365(d)(4) that may prevent assumption of non-residential real property leases in this Plan.)

All executory contracts and unexpired leases, not previously rejected by operation of law, are rejected, except the following, which are assumed:

Creditor	Arrears to be Cured in Plan	Nature of Contract or Lease	Treatment by Debtor	Post-Petition Payment

Part 7: Motions  NONE

**NOTE:** All plans containing motions must be served on all potentially affected creditors, together with local form, *Notice of Chapter 13 Plan Transmittal*, within the time and in the manner set forth in D.N.J. LBR 3015-1. A *Certification of Service, Notice of Chapter 13 Plan Transmittal and valuation* must be filed with the Clerk of Court when the plan and transmittal notice are served.

**a. Motion to Avoid Liens Under 11. U.S.C. Section 522(f).  NONE**

The Debtor moves to avoid the following liens that impair exemptions:

Creditor	Nature of Collateral	Type of Lien	Amount of Lien	Value of Collateral	Amount of Claimed Exemption	Sum of All Other Liens Against the Property	Amount of Lien to be Avoided

**b. Motion to Avoid Liens and Reclassify Claim from Secured to Completely Unsecured.  NONE**

The Debtor moves to reclassify the following claims as unsecured and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Superior Liens	Value of Creditor's Interest in Collateral	Total Amount of Lien to be Reclassified

**c. Motion to Partially Void Liens and Reclassify Underlying Claims as Partially Secured and Partially Unsecured.  NONE**

The Debtor moves to reclassify the following claims as partially secured and partially unsecured, and to void liens on collateral consistent with Part 4 above:

Creditor	Collateral	Scheduled Debt	Total Collateral Value	Amount to be Deemed Secured	Amount to be Reclassified as Unsecured
Santander	2011 Hyundai Sonata	10,000	9,225	9,225 @ 5 1/4% = 10, 509	Any remaining balances due

**Part 8: Other Plan Provisions**

**a. Vesting of Property of the Estate**

- Upon confirmation
- Upon discharge

**b. Payment Notices**

Creditors and Lessors provided for in Parts 4, 6 or 7 may continue to mail customary notices or coupons to the Debtor notwithstanding the automatic stay.

**c. Order of Distribution**

The Standing Trustee shall pay allowed claims in the following order:

- 1) Ch. 13 Standing Trustee commissions
- 2) Jenkins & Clayman
- 3) Mr. Cooper
- 4) Santander
- 5) Unsecured creditors (only to extent of non-exempt proceeds from Zaralto litigation)

**d. Post-Petition Claims**

The Standing Trustee  is,  is not authorized to pay post-petition claims filed pursuant to 11 U.S.C. Section 1305(a) in the amount filed by the post-petition claimant.

**Part 9: Modification  NONE**

If this Plan modifies a Plan previously filed in this case, complete the information below.

Date of Plan being modified: 5/14/18.

Explain below **why** the plan is being modified:

To address claim of credit Acceptance and address non exempt  
proceeds of litigation

Explain below **how** the plan is being modified:

To address claim of credit acceptance and add unsecured creditors to  
order of distribution

Are Schedules I and J being filed simultaneously with this Modified Plan?

Yes

No

**Part 10: Non-Standard Provision(s): Signatures Required**

Non-Standard Provisions Requiring Separate Signatures:

NONE

Explain here:

Any non-standard provisions placed elsewhere in this plan are void.

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Certification.

I certify under penalty of perjury that the plan contains no non-standard provisions other than those set forth in this final paragraph.

Date: 5/14/18

/s/ Stephanie F. Ritigstein  
Attorney for the Debtor

Date: 5/14/18

/s/ Darlene D. Duque-Garcia  
Debtor

Date: \_\_\_\_\_

Joint Debtor

**Signatures**

The Debtor(s) and the attorney for the Debtor(s), if any, must sign this Plan.

Date: 5/14/18

/s/ Stephanie F. Ritigstein  
Attorney for the Debtor

I certify under penalty of perjury that the above is true.

Date: 5/14/18

/s/ Darlene Duque-Garcia  
Debtor

Date: \_\_\_\_\_

Joint Debtor

In re:  
Darlene Duque-Garcia  
Debtor

Case No. 18-12088-KCF  
Chapter 13

## CERTIFICATE OF NOTICE

District/off: 0312-3

User: admin  
Form ID: pdf901

Page 1 of 2  
Total Noticed: 45

Date Rcvd: May 17, 2018

Notice by first class mail was sent to the following persons/entities by the Bankruptcy Noticing Center on May 19, 2018.

db +Darlene Duque-Garcia, 85 Theresa Street, Trenton, NJ 08618-1529  
517312653 Best Buy Credit Services, PO BOX 78009, Phoenix, AZ 85062-8009  
517312661 +CHS EMA, PO box 417442, Boston, MA 02241-7442  
517320916 ++CREDIT ACCEPTANCE CORPORATION, 25505 WEST 12 MILE ROAD, SOUTHFIELD MI 48034-8316  
(address filed with court: CREDIT ACCEPTANCE, 25505 WEST 12 MILE ROAD,  
SOUTHFIELD, MI 48034)  
517312654 Capital Health Advanced Imaging, PO Box 3246, Indianapolis, IN 46206-3246  
517312657 Capital Health Medical Group DBA C, Attn #17558X, PO Box 14000, Belfast, ME 04915-4033  
517312658 Capital Health Regional Medical Center, PO Box 785841, Philadelphia, PA 19178-5841  
517312659 Capital Health System at Fuldf/O, c/o Trans-Continental Credit & Collect., PO Box 8500-1571,  
Philadelphia, PA 19178-1571  
517312660 Capital One Services, LLC, PO Box 30285, Salt Lake City, UT 84130-0285  
517312662 Comentity - Express, PO Box 659728, San Antonio, TX 78265-9728  
517312663 Ewing Twp EMS, PO Box 207, Allentown, PA 18105-0207  
517312664 Geico, One Geico Plaza, Bethesda, MD 20810-0001  
517312665 Horizon Blue Cross Blue Shield of NJ, PO Box 10193, Newark, NJ 07101-3117  
517312666 +Lawrence Dental Associates, PC, 3100 Princeton Pike,, Building 4, Suite E,  
Lawrence Township, NJ 08648-2300  
517312667 +Lawrenceville Oral Surgery PC, 3100 Princeton Park Building 4-F,  
Lawrence Township, NJ 08648-2300  
517312668 +Life Protect 24/7, 3509 Virginia Beach Blvd, Virginia Beach, VA 23452-4421  
517312669 +Mr. Cooper, c/o KML Law Group, P.C, 216 Haddon Avenue, Suite 406,  
Collingswood, NJ 08108-2812  
517448861 +Nationstar Mortgage LLC d/b/a Mr. Cooper, P.O. Box 619096, Dallas, TX 75261-9096  
517312670 PSE&G CO, PO BOX 14444, New Brunswick, NJ 08906-4444  
517342986 +SANTANDER CONSUMER USA, P.O. Box 560284, Dallas, TX 75356-0284  
517312671 +Santander, PO Box 12768, Reading, PA 19612-2768  
517344129 +Santander Consumer USA Inc., P.O. Box 961245, Fort Worth, TX 76161-0244  
517312672 +St Lawrence Rehabilitation Center, 2381 Lawrenceville Road, Lawrence Township, NJ 08648-2098  
517312673 St. Lawrence Rehab Center, c/o United Telemanagement Corp, PO Box 145465,  
Cincinnati, OH 45250-5465  
517312674 +TD Bank, N.A, c/o Northland Group Inc., PO Box 390846, Minneapolis, MN 55439-0846  
517312675 Vascular Disease Center PC, PO Box 83, Ambler, PA 19002-0083  
517312676 +Verizon, c/o Convergent Outsourcing, PO Box 9004, Renton, WA 98057-9004  
517312678 Verizon Wireless, c/o Diversified Consultants, Inc., PO Box 554268,  
Jacksonville, FL 32255-1268  
517312679 +Yahya Duque - Garcia, 85 Theresa Street, Trenton, NJ 08618-1529

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center.  
smg E-mail/Text: usanj.njbankr@usdoj.gov May 17 2018 22:58:29 U.S. Attorney, 970 Broad St.,  
Room 502, Rodino Federal Bldg., Newark, NJ 07102-2534

smg +E-mail/Text: ustpregion03.ne.ecf@usdoj.gov May 17 2018 22:58:27 United States Trustee,  
Office of the United States Trustee, 1085 Raymond Blvd., One Newark Center, Suite 2100,  
Newark, NJ 07102-5235

517312651 E-mail/Text: amscbankruptcy@adt.com May 17 2018 22:59:10 ADT Security Services,  
PO Box 650485, Dallas, TX 75265-0485

517430590 +E-mail/Text: g20956@att.com May 17 2018 22:58:57 AT&T Mobility II LLC,  
%AT&T SERVICES INC., KAREN A. CAVAGNARO PARALEGAL, ONE AT&T WAY, SUITE 3A104,  
BEDMINSTER, NJ. 07921-2693

517312652 +E-mail/Text: ally@ebn.phinsolutions.com May 17 2018 22:57:56 Ally Financial,  
P. O. Box 380901, Minneapolis, MN 55438-0901

517312655 E-mail/Text: bankruptcy@onlineis.com May 17 2018 22:58:53 Capital Health Advanced Imaging,  
c/o Online Information Services, Inc., PO Box 1489, Winterville, NC 28590-1489

517312656 E-mail/Text: bankruptcydepartment@tsico.com May 17 2018 22:59:04  
Capital Health Medical Group, c/o Transworld Systems Inc., PO Box 15520,  
Wilmington, DE 19850-5520

517395891 +E-mail/Text: bankruptcydp@mcmcg.com May 17 2018 22:58:27 Midland Funding LLC,  
PO Box 2011, Warren, MI 48090-2011

517450308 E-mail/PDF: PRA\_BK2\_CASE\_UPDATE@portfoliorecovery.com May 17 2018 23:11:26  
Portfolio Recovery Associates, LLC, c/o Best Buy Visa, POB 41067, Norfolk VA 23541

517410167 +E-mail/Text: bankruptcy@pseg.com May 17 2018 22:57:55 PSE&G, POB 490,  
Cranford, NJ 07016-0490

517437935 E-mail/Text: bnc-quantum@quantum3group.com May 17 2018 22:58:22  
Quantum3 Group LLC as agent for, Comentity Bank, PO Box 788, Kirkland, WA 98083-0788

517432211 E-mail/Text: bnc-quantum@quantum3group.com May 17 2018 22:58:22  
Quantum3 Group LLC as agent for, MOMA Funding LLC, PO Box 788, Kirkland, WA 98083-0788

517315587 +E-mail/PDF: gecsedri@recoverycorp.com May 17 2018 23:00:32 Synchrony Bank,  
c/o of PRA Receivables Management, LLC, PO Box 41021, Norfolk, VA 23541-1021

517441420 E-mail/PDF: EBN\_AIS@AMERICANINFO SOURCE.COM May 17 2018 23:00:43 Verizon,  
by American InfoSource LP as agent, PO Box 248838, Oklahoma City, OK 73124-8838

517312677 E-mail/Text: wfmelectronicbankruptcynotifications@verizonwireless.com May 17 2018 22:57:52  
Verizon Wireless, PO Box 660108, Dallas, TX 75266-0108

District/off: 0312-3

User: admin  
Form ID: pdf901

Page 2 of 2  
Total Noticed: 45

Date Rcvd: May 17, 2018

Notice by electronic transmission was sent to the following persons/entities by the Bankruptcy Noticing Center  
(continued)

517446818 +E-mail/PDF: EBN\_AIS@AMERICANINFO SOURCE.COM May 17 2018 23:00:43  
Verizon by American InfoSource LP as agent, 4515 N Santa Fe Ave,  
Oklahoma City, OK 73118-7901

TOTAL: 16

\*\*\*\*\* BYPASSED RECIPIENTS (undeliverable, \* duplicate) \*\*\*\*\*  
cr\* ++CREDIT ACCEPTANCE CORPORATION, 25505 WEST 12 MILE ROAD, SOUTHFIELD MI 48034-8316  
(address filed with court: Credit Acceptance Corporation, 25505 West 12 Mile Road,  
Southfield, MI 48034)  
TOTALS: 0, \* 1, ## 0

Addresses marked '+' were corrected by inserting the ZIP or replacing an incorrect ZIP.  
USPS regulations require that automation-compatible mail display the correct ZIP.

Transmission times for electronic delivery are Eastern Time zone.

Addresses marked '++' were redirected to the recipient's preferred mailing address  
pursuant to 11 U.S.C. 342(f)/Fed.R.Bank.PR.2002(g)(4).

**I, Joseph Speetjens, declare under the penalty of perjury that I have sent the attached document to the above listed entities in the manner shown, and prepared the Certificate of Notice and that it is true and correct to the best of my information and belief.**

**Meeting of Creditor Notices only (Official Form 309): Pursuant to Fed. R. Bank. P. 2002(a)(1), a notice containing the complete Social Security Number (SSN) of the debtor(s) was furnished to all parties listed. This official court copy contains the redacted SSN as required by the bankruptcy rules and the Judiciary's privacy policies.**

Date: May 19, 2018

Signature: /s/Joseph Speetjens

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## CM/ECF NOTICE OF ELECTRONIC FILING

The following persons/entities were sent notice through the court's CM/ECF electronic mail (Email) system on May 14, 2018 at the address(es) listed below:

Albert Russo docs@russotrustee.com  
Denise E. Carlon on behalf of Creditor NATIONSTAR MORTGAGE LLC D/B/A MR. COOPER  
dcarlon@kmllawgroup.com, bkgroup@kmllawgroup.com  
Eric Clayman on behalf of Debtor Darlene Duque-Garcia jenkins.clayman@verizon.net  
Jeffrey E. Jenkins on behalf of Debtor Darlene Duque-Garcia jenkins.clayman@verizon.net,  
jenkins.clayman@verizon.net  
John R. Morton, Jr. on behalf of Creditor Credit Acceptance Corporation  
ecfmail@mortoncraig.com, mortoncraigecf@gmail.com  
Rebecca Ann Solarz on behalf of Creditor NATIONSTAR MORTGAGE LLC D/B/A MR. COOPER  
rsolarz@kmllawgroup.com  
Stephanie F. Ritigstein on behalf of Debtor Darlene Duque-Garcia jenkins.clayman@verizon.net  
U.S. Trustee USTPRegion03.NE. ECF@usdoj.gov

TOTAL: 8